

1034A.

SPEAKER WITHEM: LB 1034A is advanced. LB 72.

CLERK: Mr. President, 72 was introduced by Senator Dierks and Preister. (Read title.) The bill was introduced on January 7 of last year. At that time referred to the Natural Resources Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

SPEAKER WITHEM: No amendments on the bill. Is Senator Baack here to introduce the bill? Senator Dierks, as Senator Baack isn't here, would you please handle it?

SENATOR DIERKS: We might be able to handle it, Senator Withem. We could probably round him up, I think he's in the building some place. LB 72 was introduced by Senator Baack last year on behalf of Governor Nelson. It adds no new language to the Low-Level Radioactive Waste Act, but it simply strikes the provision which requires the State of Nebraska to take title of any radioactive material which is deposited in a radioactive waste facility which is proposed for the Central Interstate Compact. In order to explain the need for the bill, I need to review the manner that the provision was ever placed into the state law. Whenever the wisdom of this provision was questioned in the past, and it was questioned several times, we were told repeatedly that this was required by federal law. The federal law actually said that states would take title to radioactive material produced within their borders if they failed to meet requirements and milestones for siting a waste facility. This provision of federal law has since been stricken down by the United States Supreme Court. So even if it did, by some stretch of the legal imagination, require us to take title to all of the waste stored in the proposed facility, it has since been stricken. In reality, though, it never applied in this situation. The striking of the federal law, however, does not automatically change our state law in this case. Nebraska is still free to take title to this waste if we so choose, but I contend that there is absolutely no conceivable advantage to the state and no sound reason for keeping this language in statute. It can serve as nothing more than an escape hatch from clean-up liability for the operators of this facility and the generators of the waste. I also contend that this statute places Nebraska out of step with other states which are slated to host facilities. An examination of the statutes of eight such states